

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 13-25 are pending. Claims 22 and 23 are withdrawn. Claims 24 and 25 are newly added. Claim 13 is amended. Claims 1-12 were canceled previously. Support for the amendment can be found in Fig. 1 and in the published application in numbered paragraph [0048], for example. Support for newly-added Claims 24 and 25 can be found in Figs. 5a and 5b, for example, where a comparison of the accumulation of powder is provided. No new matter is added.

In the outstanding Office Action, Claims 13-21 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 13-14 and 16-22 were rejected under 35 U.S.C. § 103(a) as obvious over Ohnishi et al. (U.S. Patent No. 5,934,575) in view of the Background Art section of the present application. Claim 15 was rejected under 35 U.S.C. § 103(a) as obvious over Ohnishi et al., Background Art, and JP 200-140675 (herein “JP '675”).

Regarding the rejection of Claim 13 as indefinite, that rejection is respectfully traversed by the present response.

The outstanding Office Action asserts that “the cylindrical member comprises an impact side on a curved size” is an indefinite phrase. Claim 13 is amended to recite that the impact side faces toward an inlet of the venturi nozzle. One example of the above-noted feature can be found in Fig. 5a where the curved portion of the cylinder faces upstream with respect to the flow of the venturi nozzle. Accordingly, Applicants respectfully submit that the rejection of Claim 13 and the claims depending therefrom as indefinite is overcome.

Regarding the rejection of Claims 13, 14 and 16-22 as obvious over Ohnishi and the Background Art, that rejection is respectfully traversed by the present response.

Claim 13 is amended to recite that the axis of the cylindrical member is disposed at a non-zero angle relative to the axis of the venturi nozzle.

In contrast, Ohnishi, as shown in Fig. 2, describes a conical member used as a projected central area (17). The axis of the conical member is parallel to a longitudinal axis of the venturi nozzle.

Ohnishi drives a specific benefit from this arrangement, and the angles α and β are recited in Claim 1 of Ohnishi. Thus, modifying Ohnishi to include an axis of a cylindrical member at a non-zero angle with respect to an axis of the venturi nozzle would render Ohnishi unsuitable for its intended use.

The Background Art section of the present application fails to remedy the deficiencies discussed above regarding to Ohnishi. Rather, the Background Art section does not identify the orientation of the conical or spherical shapes it discusses.

Regarding the assertion of design choice in the outstanding Office Action, Applicants respectfully submit that the specific arrangement recited in amended independent Claim 13 provides benefit inasmuch as fewer particles with too fine a consistency accumulate on an impact member with the above-noted arrangement than with other arrangements as discussed in numbered paragraph [0065] of the published application. Thus, as this arrangement affects the operation of the claimed device, the recited arrangement is not a matter of design choice.

JP '675 fails to remedy the deficiencies discussed above regarding Ohnishi and the Background Art inasmuch as, like Ohnishi, JP '675 describes a conical member with an axis parallel to the axis of the nozzle. Accordingly, no reasonable combination of the cited references would include all of the features recited in amended independent Claim 13 or any of the claims dependent therefrom.

Applicants wish to make the following additional remarks regarding new dependent Claim 25, which recites that the axis of the cylindrical member is horizontal with respect to the horizon (gravity). In other words, the axis of the cylindrical member is level.

As discussed in the comparison in the specification regarding Figs. 5a and 5b, the orientation of the axis of the cylindrical member recited in newly-added dependent Claim 25 provides a specific benefit, and the cited references are silent regarding such an orientation. Accordingly, Applicants respectfully submit that newly-added dependent Claim 25 further patentably distinguishes over any proper combination of the cited references.

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance for Claims 13-21 and 24-25 is earnestly solicited.

Should Examiner Francis deem that any further action is necessary to place this application in even better form for allowance, she is encouraged to contact Applicants' representative at the below-listed telephone number.

Respectfully submitted,

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